

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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MONDAY, THE TWENTY SEVENTH DAY OF FEBRUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.3693 OF 2006

Between:

Chodey Anil Kumar ... Petitioner

Versus

Commissioner,

Municipal Corporation of Kakinada,

East Godavari district. ... Respondent

Counsel for the Petitioner: M/s. Challa Dhanamjaya

Counsel for the Respondent: Mr.S.Nageswara Reddy

ORDER:

This writ petition is filed to declare the proposed action of the respondent in demolishing the compound wall structures covered under plot no.4 measuring 927-1/2 sq.yards in sy.no.89/1 and 91/2 of Ramanayyapet village, Kakinada, East Godavari district belonging to the petitioner as illegal, arbitrary, violative of principles of natural justice and Article 300-A of the Constitution of India and for a consequential order directing the respondent to drop all further proceedings including dispossession of the petitioner from the above said property.

It is the case of the petitioner that he is the absolute owner and possessor of plot no.4, measuring 927-1/2 sq.yards in survey no.89/1 and 91/2 of Ramanayyapet village, Kakinada, East Godavari district. It is stated that the petitioner purchased the said property for a valuable consideration of Rs.18,550/- from one Chinta Balakrishna Rao son of Ramaswamy, represented by his GPA holder, Sri Chinta Varadarajulu son of Ramaswamy resident of Nawabpet and got it registered vide sale deed document no.714, dated 22-1-1982. Since then, the petitioner is in possession and enjoyment of the same and constructed compound wall around the said site.

It is stated that the respondent is taking steps of demolition by marking to the

structures and taking possession of the land on one side of the road without taking up the process of widening of the road on two sides of the road.

Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondent.

No doubt widening/laying of the road is in the public interest. While laying the road, if any property of private individual is coming in the way, it is for the respondent to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondent not to demolish the structures of the petitioner or take away any portion of the aforesaid property of the petitioner without following the procedure laid down under sections 146 or 147 of Hyderabad Municipal Corporation Act, 1955 as the case may be.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

FEBRUARY 27th, 2005. -----

I s L. V. ESWARAI AH, J.